

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
3 ALCOHOLIC BEVERAGE CONTROL BOARD

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6 IN THE MATTER OF: :

7 GF INC. : Case #16-PRO-00033

8 Trading as IL CANALE :

9 1063 - 1065 31st Street NW :

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10 License #ABRA-083707 :
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11  Retailer Class CR :
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12 License Renewal :

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14 Monday, May 23, 2016

16 Whereupon, the above-referenced matter
17 came on for hearing at the Alcoholic Beverage
18 Control Board, Reeves Center, 2000 14th Street,
19 N.W., Suite 400S, Washington, D.C. 20009.

1 BOARD'S AGENT:

2 LAVERNE FLETCHER, Presiding

3

4 ALSO PRESENT:

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1 P R O C E E D I N G S

2 ROLL CALL HEARING

3 CHAIRPERSON FLETCHER: Would the parties
4 in the matter of Il Canale please come forward.
5 The parties in the matter of Canale. This is
6 Case #16-PRO-00033, GF Inc. trading as Il Canale.

7 MR. FARRUGGIO: Canale.

8 CHAIRPERSON FLETCHER: Canale, okay, I
9 got it, thank you. 1063 - 1065 31st Street
10 Northwest, license ABRA-08737. This is a
11 Retailer Class CR License Renewal. The protest
12 issues are adverse impact on peace, order and
13 quiet and real property values. My name is
14 LaVerne Fletcher. I am conducting the Roll Call
15 Hearing as the Board's Agent pursuant to D.C.
16 Official Code 1601.2. Introductions please,
17 beginning with the applicant. Your name, sir?

18 MR. FARRUGGIO: My name is Giuseppe
19 Farruggio.

20 CHAIRPERSON FLETCHER: And could you
21 spell that for the record please?

22 MR. FARRUGGIO: First name, G-I-U-S-E-P-

1 P-E, last name F-A-R-R-U-G-G-I-O.

2 CHAIRPERSON FLETCHER: Thank you very
3 much. And present on behalf of the protestants?

4 MR. R. UHAR: Myself, Roger Uhar, and
5 that's R-O-G-E-R, my last name is spelled U-H-A-
6 R.

7 CHAIRPERSON FLETCHER: Thank you, Mr.
8 Uhar.

9 MR. J. UHAR: My name is John Uhar, J-O-
10 H-N, U-H-A-R.

11 CHAIRPERSON FLETCHER: Mr. Uhar and Mr.
12 Uhar, you are abutting property owners. You
13 claim that in your protest letter but I verified
14 via the D.C. Geographic information system this
15 morning and the properties do abut and so you're
16 both granted standing as abutting property
17 owners. So, in effect, there are two cases. We
18 have two abutting property owners, although you
19 signed the same protest letter, each abutting
20 property owner stands alone, so you're together
21 but you in your own right each have filed a
22 protest. So, Mr. Farruggio, are you -- you'[re

1 not opposed to the Uhars being granted standing
2 as abutting property owners?

3 MR. FARRUGGIO: I'm sorry.

4 CHAIRPERSON FLETCHER: I just granted
5 standing to the Uhars as abutting property
6 owners.

7 MR. FARRUGGIO: Yeah, I understand.

8 CHAIRPERSON FLETCHER: So you agree that
9 your properties abut?

10 MR. FARRUGGIO: Yeah, they are next door,
11 yeah.

12 CHAIRPERSON FLETCHER: Okay, I just
13 wanted to give you a chance to object to that if
14 you wanted to. We need to set a date for a
15 mediation, a status hearing and a protest
16 hearing, and I'll give you the dates of the
17 status and protest hearing first.

18 MR. FARRUGGIO: May I ask you something?

19 CHAIRPERSON FLETCHER: Yes.

20 MR. FARRUGGIO: I think -- what's the
21 reason that we're here because I was trying to
22 ask John and --

1 CHAIRPERSON FLETCHER: Well, we're here
2 because the Uhars filed a protest to your license
3 renewal application. They believe that you have
4 disturbed the peace, order and quiet in the
5 neighborhood and that your operation affects the
6 value of their property.

7 MR. FARRUGGIO: I think we have
8 misunderstanding here because it's a future fear
9 that could happen. It did not happen. I'm
10 renewing my liquor license as it is now. I'm not
11 applying for anything new, I'm applying for
12 renewal of license as it stands.

13 CHAIRPERSON FLETCHER: Mm hmm.

14 MR. FARRUGGIO: But Mr. Uhar and Mr. Uhar
15 assume that I am applying my license now for the
16 whole building, and my license right now is for
17 the bottom floor and 1063 and 1065 bottom floor
18 and, you know, we're dragging this thing, I think
19 it's we're wasting time.

20 CHAIRPERSON FLETCHER: So, what happens,
21 anytime that you file a liquor license
22 application and your placards are posted, the

1 community has the opportunity to file a protest
2 and the Uhars filed a protest and so they've been
3 granted standing as protestants, so now we've got
4 to go all the way through the process.

5 MR. FARRUGGIO: Okay, well maybe, maybe
6 not, do you understand what it is that I --

7 CHAIRPERSON FLETCHER: But let me, can I,
8 let me tell you something, what you're talking
9 about now does not happen at a Roll Call Hearing.
10 At the Roll Call Hearing the parties are
11 identified, that's it. What you're discussing
12 now can be discussed at the mediation or if you
13 want to discuss it outside of ABRA you can also.

14 MR. UHAR: Which we probably will.

15 CHAIRPERSON FLETCHER: So, you can
16 address those issues outside of ABRA and if you
17 settle them outside of ABRA then we won't need
18 even the mediation.

19 MR. FARRUGGIO: There's a place here we
20 can look at the license, the way the license is
21 right now?

22 CHAIRPERSON FLETCHER: I assume it's --

1 I'm not sure what you mean.

2 MR. FARRUGGIO: My license right now as
3 it is, because there's a misunderstanding the way
4 my license is a two summer garden, I do not have
5 two summer garden, I only have one summer garden.

6 CHAIRPERSON FLETCHER: Yeah that's not a
7 discussion for the Roll Call Hearing. If you
8 want to review --

9 MR. FARRUGGIO: Review my permit, what my
10 license allowed to, while we're here so
11 [inaudible 19:42].

12 CHAIRPERSON FLETCHER: You can anything
13 -- if you want to review anything related to your
14 liquor license while you're here, once you're
15 done you can go into the receptionist's area and
16 ask someone to speak with the licensing
17 specialist. And if they can talk to you now,
18 they will. You can tell them what you want and
19 maybe you can come to some understanding while
20 you're here. The status hearing, I'll go ahead
21 and give you the dates for the status hearing and
22 the protest hearing. The date for the status

1 hearing in this case is set for June 29th at
2 9:30. That's June 29 at 9:30 for the status
3 hearing. And the protest hearing is set for
4 August the 3rd.

5 MR. FARRUGGIO: That's not good for me,
6 I'll be out of the country.

7 CHAIRPERSON FLETCHER: For August 3rd?

8 MR. FARRUGGIO: I'll be out of the
9 country July and August and middle of September.

10 CHAIRPERSON FLETCHER: So, the date set
11 for the protest hearing is August the 3rd. If
12 you need to change the date you may petition the
13 ABC Board for a new date and if you decide to do
14 that then you would just need to send a copy to
15 the Uhars because they would have an opportunity
16 to respond to your request for a new date or if
17 everybody's in agreement with the new date you
18 can submit a joint request to change the date.
19 So, if you're all in agreement with it and you're
20 going to be out of the country that maybe okay
21 with the Board. But for the purpose of the Roll
22 Call that's the date on the Board's calendar so

1 that's just the date that I have to give.

2 MR. FARRUGGIO: What time was it at?

3 CHAIRPERSON FLETCHER: 4:30 on August the
4 3rd -- 4:30 on August the 3rd. And we need to
5 set a date for mediation but if you work all this
6 out and come to some understanding, you can let
7 me know. My card's on the table and you're going
8 to get a Roll Call Hearing notice -- you're going
9 to get a hearing notice from the staff that'll
10 have my number in it also. But if you resolve
11 the matter before the mediation date, then we'll
12 cancel the mediation, we'll cancel the status
13 hearing and the protest hearing. I'll give you
14 the next available date for a mediation. The
15 next available date is Tuesday, June 14.
16 Tuesday, June 14 at 9:00, 10:00 or 11:00. It's
17 the next available date.

18 MR. FARRUGGIO: What was that again? I
19 wasn't --

20 CHAIRPERSON FLETCHER: Tuesday, June 14 -
21 -

22 MR. FARRUGGIO: Yes?

1 CHAIRPERSON FLETCHER: That's the next
2 available --

3 MR. UHAR: Start at 9:00?

4 MR. FARRUGGIO: 9:00?

5 CHAIRPERSON FLETCHER: 9:00? Is that
6 good?

7 MR. FARRUGGIO: Yeah.

8 CHAIRPERSON FLETCHER: Okay, mediation is
9 set for Tuesday, June 14, at 9:00. If you work
10 everything out just let me know. Any questions
11 at all? Okay.

12 MR. UHAR: Thank you very much.

13 CHAIRPERSON FLETCHER: Thank you for
14 coming. Roll Call Hearing is concluded.

15 [Whereupon, the above-entitled matter
16 concluded.]